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IN THE
SUPREME COURT OF THE UNTIED STATES

OCTOBER TERM, 2000

CRAIG R. TWEEDY,
Petitioner.

vs.

STATE OF OKLAHOMA ex rel.
OKLAHOMA BAR ASSOCIATION.
Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE OKLAHOMA SUPREME COURT

PETITION FOR WRIT OF CERTIORARI REVIEW

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November 21, 2000

77 pp

ISSUES PRESENTED

1. Was due process denied in reciprocal proceedings by suspending an attorney, without an opportunity to overcome the prima facie evidence by showing the judicial fiats and fraud in federal court basing the charges?

2. If the arbiters abused Rule 7.7 and res judicata to protect the fiats and fraud of federal judges and to deny any opportunity to defeat comity, was due process denied to the attorney, oppressively?

3. When a state bar association, ethics hearing panel and state supreme court must defy the law of the land to suspend an attorney for confronting fraud in federal court, does this suggest to attorneys in all states that So Help Me GOD Duties do not apply at certain levels? If so, does this suggest an unattended constitutional crisis and present danger to we, the people?

STATEMENT OF PARTIES

The caption contains the names of all parties to the proceeding below.

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PETITION FOR WRIT OF CERTIORARI

THE OPINIION BELOW

The May 9, 2000, opinion of the Oklahoma Supreme Court sought to be reviewed is reported at 2000 OK 37, ___P2d __, and reprinted in the Appendix to this Petition, pp. 20-29. The Petition for Rehearing and Motion for Oral Argument are reprinted in the Appendix, pp. 24-44, and the June 19, 2000 Order denying the same is reprinted in the Appendix, p. 45. On July 14, 2000, a stay was granted during the pendency of this certiorari proceeding and the order is reprinted in the Appendix, pp. 46-47.

STATEMENT OF JURISDICITON

The judgment of the Oklahoma Supreme Court was entered on May 9, 2000. On June 19, 2000, the petition for rehearing and motion for oral argument was denied. The jurisdiction of this Court was timely invoked on September 18, 2000, pursuant to 28 U.S.C. § 1257(a), and continued by this timely refilling, pursuant to Supreme Court Rule 14.5 and Clerk of the Court letter, dated September 28, 2000.

CONSTITUTIONAL PROVISION, STATUTES, AND RULES INVOLVED

This case arises from the first section of the Fourteenth Amendment to the Constitution of the United States, which provides as follows:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This case invokes 28 U.S.C. § 1257(a), which provides as follows:

> Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the

> Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

This case involves the Oklahoma Rules Governing Disciplinary Procedure 7.7(b), which provides:

> When a lawyer has been adjudged guilty of misconduct in a disciplinary proceeding, except contempt proceedings, by the highest court of another State or by a Federal Court, the General Counsel of the Oklahoma Bar Association may cause to be transmitted to the Chief Justice a certified copy of such adjudication and the **Chief Justice shall direct the lawyer to appear before the Supreme Court** at a time certain, not less than ten (10) days after mailing of **notice, and show cause**, if any he/she has, **why he/she should not be disciplined.** The documents shall constitute the charge and shall be prima facie evidence the lawyer committed the acts therein described. The lawyer may submit a certified copy of transcript of the evidence taken in the trial tribunal of the other jurisdiction to support his/her claim

that the finding therein was not supported by the evidence or that it does not furnish sufficient grounds for discipline in Oklahoma. The lawyer may also submit, in the interest of explaining his/her conduct or by way of mitigating the discipline which may be imposed upon him/her, a brief and/or any evidence tending to mitigate the severity of discipline. The General Counsel may respond by submission of a brief and/or any evidence supporting a recommendation of discipline. [Emphasis added]

This case also involves Title 5, Oklahoma Statutes, §2, the Oklahoma Oath, which provides:

Upon being permitted to practice law as attorneys and counselors at law, they shall, in open court, take the following oath: You do solemnly swear that you will support, protect and defend the Constitution of the United States; and the Constitution of the State of Oklahoma; that you will do no falsehood or consent that any be done in court, and if you know of any you will give knowledge thereof to the judges of the court, or some one of them, that it may be reformed; you will not wittingly, willingly or knowingly promote, due or procure to be sued, any false or unlawful suit, or give aid or consent to the same; you will delay no man for lucre or malice, but will act in the office of attorney in the court according to your best learning and discretion, with all good fidelity as well to the court as to your client, so help you God. [Emphasis added]

STATEMENT OF THE CASE

This matter arises from a reciprocal disciplinary proceeding brought by the State of Oklahoma, ex rel. Oklahoma Bar Association (the "Bar") in 1992 against Craig R. Tweedy, an attorney. The Bar charges were based upon federal court decisions and sanctions imposed. The hearing was held before the Bar's Tribunal (the "Tribunal") on March 2-3, 1999. Tweedy was denied due process. The Tribunal and Oklahoma Supreme Court refused Tweedy's due process opportunity to overcome the prima facie evidence of misconduct. He sought to present evidence showing the judicial fiats and fraud denying due process in federal court, and so defeat comity.

Commencing in 1982, Tweedy filed claims against Goodyear Tire and Rubber Co., the Union Pacific Railroad and American Airlines, Inc. In 1991, those corporations and three large law firms filed joint grievances. In 1992, the Bar filed a complaint against Tweedy. In 1997, the Bar filed a complaint based upon the three year suspension from federal practice imposed in 1993 by District Judges Brett and Ellison for the Northern District of Oklahoma. The 1992 and 1997 complaints were consolidated in 1998.

Tweedy's Amended Answers and Answer Brief were asserted with record documents filed in support. He asserted that judicial fiats by Judges Brett and Ellison had imposed different claims than filed to protect the grievants below from the actual claims filed. He asserted that this was like fraud changing apples into oranges, under circuit law clerk concert permitted by Congress and Rule 34(a), F.R.App.P., He asserted that he had been sanctioned in violation of due process for filing the fiated claims; and that the fiated claims confess the due process denied by the decisional fraud endorsed by the Bar; and that the Bar could not support its

charges, absent the res judicata force prohibited for decisional fraud and voidness arising from judicial fiats and due process denials.

In the federal disciplinary proceedings and January 15, 1993 decision, Judges Brett and Ellison found that Tweedy had filed vexatious and frivolous claims, sought to relitigate claims by asserting fraud on the federal courts and prejudiced the administration of justice, and they suspended him from federal practice for three years. On September 5, 1996 and as panel members, Judges Brett and Ellison denied Tweedy's application for reinstatement, which contended suspension voidness for the due process denied by judicial fiats. His 1996 appeal predicted continued law clerk fraud on the 10th Circuit Court and, as predicted, it was denied on June 20, 1997.

At the February 9, 1999, pretrial conference before the Tribunal below, the Tribunal Master refused to disqualify herself and another Tribunal Member for bias in representing big corporations. Tweedy argued that res judicata exceptions allowed him to show the due process denied by the fraud of Judges Brett and Ellison basing the charges. He asserted that judicial fiats had imposed different claims than filed, "like apples changed into oranges;" and that the fiated claims based the federal suspension. Tweedy also argued that, "If res judicata were to be applied in this matter by the panel, my rights to a fair trial are fully and completely denied," and that he "wouldn't stand a chance." [Transcript, February 9, 1999, pp. 3, 6-7, 21-23, 25.]

On March 2, 1999, the Tribunal conducted its hearing. Tweedy argued his So Help Me GOD Stands with sound fact and law in uncommon defense of the Constitution and client rights in federal court. He sought to show that circuit law clerk concert enabled Judges Brett and Ellison to impose different claims than filed, like "changing apples into

oranges." He sought to show that said judges had suspended him from federal practice for filing the claims imposed by fiat to protect the grievants below from the actual claims filed. He sought to present this evidence, under fraud and due process exceptions to res judicata. The purpose was to establish the fraud denying due process and defeating comity. The Tribunal refused to hear such evidence and the testimony of his witnesses. Tweedy moved to disqualify the Tribunal Master for her demonstrated bias and denials of due process. He sought to rebut the prima facie evidence of misconduct. He sought the due process opportunity to establish the fraud denying due process and to so defeat comity for the federal suspension and underlying fiats, plain usurpations of power. [Hearing, March 2, 1999, pp. 10-16, 23-26, 28-30, 51-54].

The Tribunal refused to hear evidence of due process denied by the fraud by federal judges. It excluded this evidence and the witness testimony needed to overcome the prima facie evidence of misconduct arising from the federal decisions, fiats and fraud basing the charges. The Tribunal ruled that it had "no authority" to hear evidence of fraud in federal court or "to uncover fraud" and would "only" hear evidence in mitigation of the discipline to be imposed. "I'm not restricting your defense, but your defense is to what's mitigating." [Hearing, March 2, 1999, pp. 24-25, 31, 51-53, Hearing, Vol. II, March 3, 1999, p. 51]. By so doing, the Tribunal used Rule 7.7, without prehearing notice to Tweedy. "In light of the Rule 7.7, our only duty here today is to determine the discipline, the nature and extent of the discipline" [Hearing, March 2, 1999, pp. 65-66]. "[F]raud" and "due process violations" are "not material to the issues before this Panel." [Id. p. 87]. In refusing to hear the testimony of Tweedy's witnesses, the Tribunal used Rule 7.7 and res judicata to give comity effect to the judicial fiats and fraud denying due process in federal court. The Tribunal stated, "The matter has been adjudicated and the federal

court has found that you committed violations of professional responsibility. You violated their rules and we're really here to impose discipline." [Id. p. 90]

In moving for a mistrial, Tweedy argued that the unfairly predisposed Tribunal had protected federal court and Bar fraud and had denied due process, while defying the controlling authorities of law and due process settled by this Court. [Hearing, March 3, 1999, Vol II, pp. 2-9]

THE RULINGS BELOW

After said hearing, the Tribunal filed its report to the Oklahoma Supreme Court and recommended that Tweedy be disbarred for the disregard of the judicial system shown by his frivolous and vexatious filings, and for his refusal to admit unethical conduct; and, under Rule 7.7 [Appendix at 48], for being suspended and denied reinstatement in federal court. The Tribunal did not mention the lack of pretrial notice to Tweedy that Rule 7.7 might apply, or that Rule 7.7 was expressly confined to direct proceeding before the Court below and that Rule 7.7 afforded notice and the due process opportunity to show cause to defeat comity.

On May 9, 2000, the Oklahoma Supreme Court entered its opinion, stating that the discipline imposed in another jurisdiction is "not binding on this Court," citing Rule 7.7, but constitutes "prima facie evidence that the lawyer committed the acts described." State of Oklahoma ex rel. Oklahoma Bar Association v. Tweedy, __P3d __, 2000 OK 37, ¶¶ 33-34, Appendix, p. 13. Yet did not recognize the denied due process opportunity to overcome the prima facie showings.

The Court below tracked the Tribunal findings in outlining Tweedy's conduct. It found, under Rule 7.7, that he had "admitted the underlying conduct alleged" by having

admitted the fact of the federal decisions entered, Appendix, pp. 13, 22; ¶39 and at footnote 8. [Emphasis added]. Yet it likewise found that Tweedy had moved for a mistrial contending that the Tribunal had "truncated his opportunity to present his case." Id. pp. 13-14, ¶35.

The Court below found that Tweedy had "repeatedly defended his conduct as being necessary to prevent fraud in federal court 'by the planned insider means of criminal concert enabled by Rule 34(a), F.R.App.P.,'" and that "injunctive fiats had protected American Airlines by evaporating the [new claim] without mentioning it." Appendix, p. 6, ¶¶ 12-13

Most importantly, the Court found that Tweedy's "testimony and witnesses were designed to establish that the evidence in the federal proceedings did not furnish sufficient grounds to discipline him in Oklahoma." but that, "Under Rule 7.7(b), this purpose may only be accomplished by submitting a certified copy of the transcript of the evidence taken in the other jurisdiction." Appendix, 14, ¶ 37, [Emphasis added]. Yet the Court did not apprehend that Rule 7.7 provided otherwise and was not authorized for Tribunal hearings, nor that the Complaints and pretrial procedures lacked notice to Tweedy that Rule 7.7 might apply.

The Oklahoma Supreme Court denied Tweedy's right to fundamental due process by failing to remand the matter for a new hearing before a fair and impartial tribunal. It granted comity and suspended Tweedy from the practice of law for six months. Appendix, p. 19, ¶53. The suspension is stayed during the pendency of this certiorari petition.

REASONS FOR GRANTING THE WRIT

Certiorari should be granted to resolve, in reciprocal disciplinary proceeding, whether due process affords an

attorney the opportunity to overcome prima facie evidence of misconduct, even if in So Help Me GOD defense of the Constitution and rights from the federal court and bar association fraud basing the charges. In point, the rulings and fiats of the Tribunal and deceived Court below patently denied due process and utterly defied the Constitution and controlling authorities settled by this Court.

Apparently, Tweedy had violated protocol and raised hackles by applying record truth and law in defense of the Constitution and client rights, as required by his So Help Me GOD Oath, under Oklahoma law [Appendix at 49].

The abrogations of fundamental law and due process were designed to strongly suggest to attorneys in all states that ethics, law and So Help Me GOD Duties to protect and defend the Constitution and client rights do not apply and will not be tolerated, at certain levels.

If unresolved, this matter will signify to all attorneys that the rights and claims of ordinary citizens and businesses may be taken by fiat in federal court, like changing apples into oranges, under circuit law clerk, bar association and media protection. This internal danger arises from the power by inside fraud permitted by Congress and the State Legislatures.

The constitutional importance is increased by this factor. In two federal matters basing the Bar charges and rulings below, the judicial fiats and fraud of Judge Brett had been presented to this Court by 1986 and 1994 Petitions For A Writ 0f Certiorari Review, styled: The Burggraf Corporations, et al, vs. Goodyear, et al., No. 86-25; and Craig Tweedy vs. American Airlines, No. 93-1746.

The due process issues presented are of landmark importance not only to attorneys, but to the meaning of law

and the Constitution and, in particular, the rights and liberties of we, the people.

SUBSTANTIALITY OF QUESTIONS PRESENTED

1. Rule 7.7 And Res Judicata Were Abused To Defy Controlling Authority, Deny Due Process And Deceive The Court Below

In 1991, Goodyear, the Union Pacific, American Airlines, by three big law firms, filed a joint grievance. In 1992, the Bar charged Tweedy, in effect, for filing the frivolous claims imposed by the judicial fiats of Judges Brett and Ellison. Yet the Bar charges required the res judicata force affect prohibited for judicial fiats and decisional fraud denying due process. In so doing, the Bar deliberately avoided any mention the actual claims filed by Tweedy against the multinational corporate grievants. So the actual record claims [Petition for Rehearing, Appendix at 33-38] stood to plainly expose the fiated claims and fraud basing the Bar charges, but only if law, truth and due process applied. Id at 24, 26-32.

This apples-to-oranges short hand explains the seven (7) year hearing delay and Bar dilemma. Judges Brett and Ellison had sanctioned Tweedy for filing the oranges imposed by their fiats. The fiated oranges confess the fraud protecting the grievents from the actual claims, plus the denials of due process to Tweedy and clients. This is also what the actual record claims or apples lawfully promised to expose, if a due process hearing had been afforded.

At a due process hearing, the actual record claims and controlling authorities would defeat comity and protect the Constitution by generating a great and reforming federal court and bar association scandal.

So great scandal loomed, absent res judicata force for the judicial fiats and fraud basing the Bar charges, designed to warn against So Help Me GOD Duties. Yet res judicata is prohibited by this Court when the decision is infected by fraud or denies due process. In Commissioner of Internal Revenue v. Sunnen, 333 U.S. 591, 597, 68 S.Ct. 715, 719 (1948), this Court reasoned that final judgments settle the actual issues decided, "absent fraud or some other factor invalidating the judgment" [Emphasis added].

Absent res judicata, the fraudulent grievant and Bar intent to deceive the Court below, suspend Tweedy and warn other attorneys against So Help Me GOD Duties would be exposed to the public.

And the grant of comity to the federal fiats would deny due process to Tweedy [what happened below], under Griffin v. Griffin, 327 U.S. 220, 228, 68 S.Ct. 556, 560, wherein this Court resolved that: "A judgment obtained in violation of procedural due process is not entitled to full faith and credit * * Moreover, due process requires that no other jurisdiction shall give effect, even as a matter of comity, to a judgment elsewhere acquired without due process." [Emphasis added].

Moreover, "Fraud destroys the validity of everything into which it enters," Nudd v. Burrows, 91 U.S. 426, 23 Led 286, 290 (1875); particularly when, "a judge himself is a party to the fraud," Cone v. Harris (Okl. 1924), 230 P2d 721, 723. "Fraud is the arch enemy of equity," State Ex Rel. Burk v. Oklahoma City (Okl. 1974), 522 P2d 612, 619.

So after this seven (7) year Bar dilemma, the Tribunal devined how to defy mere law, due process and the Sunnen exceptions to res judicata. It used and abused Rule 7.7 [Appendix at 48] as a means to guise the res judicata force given to the federal fiats and due process denials

basing the Bar charges. It likewise abused Rule 7.7 to refuse Tweedy's due process opportunity to defeat comity.

In so abusing Rule 7.7, the Tribunal ruled that it had "no authority" to hear evidence of fraud in federal court or "to uncover fraud" and would "only" hear evidence in mitigation of the discipline to be imposed. "I'm not restricting your defense, but your defense is to what's mitigating." [Hearing, March 2, 1999, pp. 24-25, 31, 51-53, Hearing, Vol. II, March 3, 1999, p. 51]. "In light of the Rule 7.7, our only duty here today is to determine the discipline, the nature and extent of the discipline" [Hearing, March 2, 1999, pp. 65-66]. "[F]raud" and "due process violations" are "not material to the issues before this Panel." [Id. p. 87].

In truth, the Tribunal applied Rule 7.7 in name only. The actual Rule 7.7 [Appendix at 48] provides that the attorney shall appear before the Supreme Court" [not a Bar Tribunal] upon "not less than ten (10) days notice" and "show cause, ** why he/she should not be disciplined." Moreover, it also provides that the attorney "may" submit a "certified transcript," and "may also submit, in the interest of explaining his/her conduct ** a brief" [Emphasis added]. Rule 7.7 (b), Appendix, at 49.

Thus, Rule 7.7 actually would have afforded Tweedy the due process notice and opportunity sought by him to "show cause" against comity. Yet this due process right was aborted by Tribunal abuse of Rule 7.7.

Moreover, the actual Rule 7.7 complied with the due process safeguards required by Selling v. Radford (1917), 243 U.S. 46, 37 S.Ct. 377. Therein, this Court recognized an attorney's due process opportunity to show cause for one jurisdiction to deny comity to another. In Selling, 37 S. Ct. at 379, this Court reasoned that comity must be denied, if

one of these defeats appeared: "1) That the ** procedure, from want of notice or opportunity to be heard, was wanting in due process; 2), that there was such an infirmity of proof as to the facts found * *; 3), that some other grave reason existed * * Id. at 370 (emphasis added).

All three Selling safeguards of due process against comity and the actual Rule 7.7 safeguards were abrogated by the Tribunal scheme and deceived Court below.

Most importantly, the actual Rule 7.7 absolutely does not provide that defeating comity, "may only be accomplished by submitting a certified copy of the transcript of the evidence taken in the other jurisdiction," as ruled by the Court below, Appendix, p. 14, ¶37. Nor does it express that, in the absence of such a certified transcript, the attorney must be confined to evidence in mitigation, another Tribunal ploy.

Nor did the Court below delegate Rule 7.7 authority to the Tribunal. Yet it endorsed the Tribunal abuses of Rule 7.7, which oppressed due process and defied the Sunnen exceptions to res judicata for fraud. Even worse for due process, the Court found, under Rule 7.7, that Tweedy had "admitted the underlying conduct alleged" by having admitted the fact of the federal decisions entered, Appendix, pp. 13, 22; ¶39 and footnote 8. [Emphasis added],

Yet at pretrial, Tweedy predicted that, without the fraud and due process exceptions to res judicata, his "rights to a fair trial" would be "fully and completely denied." [Transcript, February 9, 1999, p. 22].

As so observed, the Tribunal enforced the federal fiats and Bar fraud by Tribunal fiats altering the intent of Rule 7.7. The fiated Rule 7.7 became an unethical and fraudulent weapon used to oppress due process, defy the

controlling authorities, conceal truth and deceive the Court below.

Yet, "Truth needs no disguise" and "public welfare demands that the agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud." Hazel-Atlas Class Co. v. Hartford-Empire Co. (1944), 322 U.S. 238, 246-247, 64 S.Ct. 997, 1001-1002 [Emphasis added]. And being placed on notice of the federal fiats and due process denials, the Tribunal and Court below had the duty and "inherent power * * to investigate whether a judgment was obtained by fraud * [and] * "the power to unearth it effectively," declared this Court in Universal Oil Products Co. v. Root Refining Co. (1946), 328 U.S. 575, 580, 66 S.Ct. 1176, 1179 [Emphasis added].

The multinational corporate grievants and others affecting unchecked or regal power will be greatly and regally offended, should this Court dare to resolve that the Due Process Clause actually entitles a mere small town attorney to "an impartial and disinterested tribunal." Marshall v. Jerrico, 446 U.S. 238, 243, 100 S. Ct. 1610, 1613 (1980). Or worse yet, that due process guarantees that his rights "will not be taken on the basis of an erroneous or distorted conception of fact or the law" and that "the arbiter is not predisposed to find against him." Id. [Emphasis added]

The judicial fiats, fraud and circuit law clerk concert in federal court were protected by the Tribunal fiats and Bar fraud designed to deceive the Court below. This point is further explained by the record events and actual claims set forth in the Petition for Rehearing, Appendix, at pp. 25-30, 33-38.

Conclusion to Proposition 1

The Bar charges, Tribunal fiats and plain oppressions of truth and due process were designed to warn attorneys, nationwide, that ethics and So Help Me GOD Duties are not tolerated in federal court, when the other party is huge and powerful, like the multinational grievants.

Yet the irony is great and just. In denying due process to Tweedy, the Rule 7.7 fiats and utter defiances of the law of the land red flag and confess the constitutional crisis and present danger to we, the people.

This internal danger arises from the check and balance voids. Those engineered voids enable regal power above and around law, under media blackouts. This power operates quietly from within the very institutions created to protect those individual rights, religious liberties and moral standards of we, the people, as endowed by GOD, from the regal powers of Man. This is the regal power by inside fraud bragged by the grievants in 1991 and endorsed by the rulings below.

This magnitude signals the great Public, Judicial and Congressional need for Tweedy and his actual record claims to be heard before a fair and impartial hearing panel, no matter who may be offended or what corruption and internal dangers may be exposed.

2. Tweedy Appeared, But Was Not Heard

By Rule 7.7 fiats, the Tribunal summoned Tweedy, like saying, in effect, "appear and you will be heard; and when he appears, saying, your appearance will not be recognized and you will not be heard * * a mere arbitrary edict." Windsor v. McVeigh (1876), 93 U.S. 276, 23 Led 914, 918.

Yet, due process entitled Tweedy to "an impartial and disinterested tribunal." Marshall v. Jerrico, 446 U.S. 238, 243, 100 S. Ct. 1610, 1613 (1980). It guarantees that rights and property interests "will not be taken on the basis of an erroneous or distorted conception of fact or the law" and ensures that "the arbiter is not predisposed to find against him." Id. [Emphasis added]

And in Peters v. Kiff, 407 U.S. 493, 502, 92 S. Ct. 2163, 2168 (1972), this Court also reasoned that. "[D]ue process is denied by circumstances that create the likelihood or the appearance of bias. Id. at 503, 92 S. Ct. at 2168 [Emphasis added]. In this matter, the appearance of Tribunal bias became fact when its Rule 7.7 fiats concealed the federal court and Bar fraud.

The Tribunal distorted fact and law in a predisposed and specious manner against Tweedy. This is clear and beyond genuine dispute. Worse yet, the Tribunal's arbitrary edicts and Rule 7.7 fiats formed the void and fraudulent devices adopted by the Court below.

Worse yet, this show down of inside power by fraud against the ethical and So Help Me GOD Duties to defend the Constitution and clients rights from inside fraud was compelled by multinational corporations, when they grieved in 1991. This alarming fact was stated in the Motion for Oral Argument, Appendix at 42.

This circle of fraud and fiats from federal court and Bar insides squarely applies what this Court proscribed in Hazel-Atlas Co. v. Hartford-Empire Co., supra, 322 U.S., at 246:

> [T]ampering with the administration of justice in the manner indisputably shown here involves far more than an injury to a single

> litigant. It is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot complacently be tolerated consistently with the good order of society. Surely it cannot be that preservation of the integrity of the judicial process must always wait upon the diligence of litigants. The public welfare demands that the agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud. [Emphasis added]

And "Truth needs no disguise," Id. 322 US at 247. Yet the Tribunal's Rule 7.7 fiats red flagged the fraud concealment and due process denied by its ploys that, "[F]raud" and "due process violations" are "not material to the issues before this Panel." [Hearing, March 2, p. 87]. "The matter has been adjudicated and the federal court has found that you committed violations of professional responsibility. You violated their rules and we're really here to impose discipline." [Id. p. 90]

The Rule 7.7 fiats and Bar fraud confess an all out assault on ethics, So Help Me GOD Duties, our systems of law and due process. Tweedy and the actual record claims could not be heard. This jettisoned the Sunnen exceptions to res judicata and the due process safeguards of Selling and Griffin against comity. And by plan, the Rule 7.7 fiats and denials of due process to Tweedy were adopted by the findings and comity decision of the Court below.

Justly, the comity decision below is void and powerless for its "plain usurpations of power" and having "acted in a manner inconsistent with the due processes of law." VTA v. Airco, Inc. (CA 10, 1978), 597 F2d 220, 224-

225; Stoll v. Gottlieb (1938), 305 US 165. 171, 59 SCt. 134, 137.

Conclusion to Proposition 2

Measured by the law of the land, truths and due process abrogated below, nothing lawful and constitutional happened.

3. When So Help Me GOD Duties Violate Protocol, The Constitution And Rights Of We, The People, Are In Great Jeopardy.

Under Title 5, Oklahoma Statutes, Laws 1910, §2, Appendix at 49, Tweedy pledged and applied his solemn "so help you God" duties to defend the Constitution and bring "falsehoods," such as fraud on the court to "the judges of the court, or some one of them, that it may reformed" and not "consent" to "any false or unlawful suit."

This duty raised regal hackles. The Rule 7.7 fiats confess that Tweedy and the actual record claims were not and could not be heard. The Bar fraudulent charges required the res judicata force prohibited by the Sunnen Court. Due process had to be jettisoned. The actual record claims and witness testimony would reveal the truths showing the constitutional crisis quieted by the media, since 1992.

Tweedy raised regal hackles by violating protocol. He had applied So Help Me GOD Duties, indisputable record fact and the law of the law, cited herein, to defend the Constitution and client rights from the pattern and affects of inside fraud by federal court, no matter who may be offended, as required by the 1910 Oklahoma statute.

The multinational corporate grievants were greatly annoyed by the 1910 statute and So Help Me GOD Duties.

They caused a minion, the Oklahoma Bar Association, to negate both. This 1991 brag of federal court and bar association influence intended and required fraud on the Oklahoma Supreme Court, the fact of alarm candidly stated in the Motion for Oral Argument, Appendix, at p. 42.

In short, the judicial fiats of Judges Bret and Ellison imposed different claims and material facts than filed. The apples-to-oranges affects are shown by the record documents and law set forth in the Petition for Rehearing, Appendix, at pp. 25, 31-40. The judicial fiats are explained by the circuit law clerk protection enabled by Congress and Rule 34(a), F.R.APP.P., not requiring circuit judges to safeguard rights by reading the actual appeal briefs. Appendix. at 28-30. The inside fraud operates under media blackouts, Id. at 30.

And the 1996 Test Appeal from the due process voidness of the 1993 federal suspension, as shown by the actual record claims, flushed out the inside fraud protection by the Justice Department, Reno and Clinton. Id. at 28-30.

Lastly, the Bar charges and the Tribunal's Rule 7.7 fiats made the Oklahoma Supreme Court and Justices "mute and helpless victims of deception and fraud." This increased the denials of due process to Tweedy, the attorney unheard along with his actual record claims, to date.

CONCLUSION

Nothing lawful and constitutional happened. The affects of the federal court, Bar and Tribunal fiats and fraud were adopted by the Court below, are shown by the actual record claims [Petition For Rehearing, Appendix at 33-38]. Those immutable record truths present oppressions of due process to Tweedy, plus the constitutional crisis unattended, to date, except by his So Help Me GOD Duties.

The magnitude of this matter has increased, since 1986 and 1994, when Tweedy presented to this Court the judicial fiats denying due process. The same fiats based the bogus 1992 and 1997 Bar charges endorsed below.

Multinational corporations caused minions, the Bar and Tribunal, to make the Court below a helpless victim of fraud and deceit. The comity decision endorsed the affects of unchecked or regal power by inside fraud, as bragged by the grievants and Bar charges. It precluded any opportunity for Tweedy and the actual record claims to show truth. The real target was his So Help Me GOD Stands.

The grave oppressions of due process were designed to caution attorneys, in all states, that So Help Me GOD Duties are cosmetic and not tolerated, at certain high levels. Moreover, they signal that checks and balances of power do not currently exist, at federal and state levels.

The Bar and multinational orchestraters [not 90 % of the corporate community] gambled great odds against the grant of certiorari review by this Court. Yet, drawing from the underlying federal fiats suggesting circuit law clerk protection, it is most probable that they will seek to increase the odds by seeking to influence law clerks and so divert the attention of this Court to other case matter.

The Bar, Tribunal and Court below abrogated the standards of law, equity and due process resolved by this Court. This designed warning against So Help Me GOD Duties landmarks the inside practice of utter disdain for this Court, the Constitution and the rights of we, the people.

It strongly appears that this Petition brings the most significant constitutional issues presented to this Court in decades. In practical terms, it likewise appears that the

actual meaning of the rule of law, the Due Process Clause and rights of the present and future generations are at stake.

ACCORDINGLY, the Petitioner, Craig R. Tweedy, respectfully, prays the Court to grant its writ of certiorari review of the issues presented, the decision and record below, and in aid thereof or in the alternative, issue a writ directing a due process evidentiary hearing and record before a fair and impartial tribunal.

RESPECTFULLY SUBMITTED,

ALLEN MITCHELL
Counsel of Record
P.O. Box 190
Sapulpa, Oklahoma 74067-0190
918-224-5750

November 21, 2000

2000 OK 37
IN THE SUPREME COURT OF
THE STAE OF OKILAHOMA

STATE OF OKLAHOMA ex rel. OKLAHOMA BAR ASSOCIATION,

Complainant.

v.

CRAIG R. TWEEDY.

Respondent.

Filed May 9, 2000

SCBD No. 3878
(consol. w/SCBD No. 4243)

FOR OFICIAL PUBLICATION

BAR DISCIPLINARY PROCEEDING

In these consolidated Complaints, the Oklahoma Bar Association alleged professional misconduct, including failure to bring meritoriou claims, acts contrary to prescribed standards of conduct, failure to provide competent representation, making false or reckless statements concerning the qualifications or integrity of a judge, engaging in conduct prejudicial to the administration of justice, communication with a person represented by counsel and disciplinary action in other jurisdictions as a basis for discipline. The allegations of misconduct stemmed from Respondent's handling of three federal court cases in which Respondent's over-zealous filings caused a federal district court to suspend Respondent for three years and the federal circuit court to disbar Respondent. For purposes of enhancement, the Bar Association alleged previous discipline, a private reprimand for trust account violations in 1991. The Professional Responsibility Tribunal recommended Respondent be disbarred for the violations

alleged in the consolidated Complaints. Respondent is suspended from the practice of law for a period of six (6) months from the effective day of this pronouncement and he is ordered to pay costs related to these proceedings not later than ninety (90) days after this opinion becomes final.

RESPONDENT IS SUSPENDED FROM THE PRACTICE OF LAWFOR A PERIOD OF SIX (6) MONTHS FROM THE EFFECTIVE DAY OF THIS PRONOUNCEMENT; AND COSTS IMPOSED.

Dan Murdock, General Counsel, Oklahoma Bar Association, Oklahoma City, Oklahoma, for complainant.

Craig R. Tweedy, Sapulpa, Oklahoma, respondent, pro se.

BOUDREAU, Justice:

I. Procedural History

¶1 The Complainant Oklahoma Bar Association (OBA) brought disciplinary proceedings against Respondent Attorney, Craig R. Tweedy (Respondent), in two separate complaints alleging a collective total of seven counts of professional misconduct. The OBA moved to consolidate the two complaints, OBAD 1085, SCBD 3878 (Complaint I) and OBAD 1292, SCBD 4243 (Complaint II). The Professional Responsibility Tribunal (PRT) granted the Motion to Consolidate. The PRT conducted a hearing on the issues raised in the Complaints on March 2 & 3, 1999.

¶2 Respondent was admitted to practice law in 1964 and has been a member of the Oklahoma Bar Association at all times relevant to the events addressed herein. Respondent's official roster address is 202 Wells Building, 208 E. Dewey Street, Sapulpa, Oklahoma 74066.

¶3 The allegations against Respondent in Complaint I had their genesis in his handling of three separate matters in the United States District Court for the Northern District of Oklahoma (Northern District) and the United States Court of Appeals for the Tenth Circuit (Tenth Circuit), between 1986 and 1993. Both courts sanctioned Respondent for pursuing baseless legal claims and remedies in the three cases. The Tenth Circuit eventually disbarred Respondent and the Northern District suspended him from practice for three years. The Northern District refused to subsequently reinstate Respondent upon the expiration of his three-year suspension. Although filed as a separate complaint, Complaint II alleged that Respondent had been disciplined in other jurisdictions as a result of the conduct that formed the basis of Complaint I.

¶4 Complaint I alleged three violations of Rule 3.1 (frivolous claims and contentions), Oklahoma Rules of Professional Conduct, 5 O.S.1991, ch. 1, app. 3-4 (ORPC). The amendment to Complaint I alleged violation of Rule 4.2 (communication with a person who is represented by counsel), ORPC. Complaint II alleged the same conduct violated Rules 1.1 (incompetent representation), 3.1(frivolous claims and contentions), 8.2 (false and reckless statements about a judge), and 8.4(d) (conduct prejudicial to the administration of justice), ORPC, and Rule 1.3 (acts contrary to prescribed standards of conduct), Rules Governing Disciplinary Proceedings, 5 O.S.1991, ch. 1, app. 1-A (RGDP).

¶5 After a hearing, the PRT found there was clear and convincing evidence that Respondent violated the ORPC, Rule 3.2 by making frivolous claims and contentions, Rule 8.2 by making false or reckless statements concerning the qualifications or integrity of a judge, Rule 8.4(d) by conduct prejudicial to the administration of justice, and Rule 1.1 by incompetent representation of clients. The PRT also found

that Respondent violated the RGDP, Rule 1.3 by conduct that discredits the legal profession. The PRT further found there was not clear and convincing evidence that Respondent violated ORPC, Rule 4.2. In addition, the PRT found that Respondent's prior discipline should be considered in its recommendation of discipline.

¶6 Upon these findings, the PRT recommended Respondent be disbarred for "his continued filing of frivolous and vexatious motions and pleadings after being directed by two levels of federal courts not to do so", for his refusal to acknowledge the unprofessional nature of his conduct, and for being suspended and denied reinstatement by the Northern District and disbarred by the Tenth Circuit. The PRT also recommended a private reprimand for violation of ORPC, Rule 4.2, even though it found no clear evidence of violation of Rule 4.2.

II. Standard of Review

¶7 In considering the PRT's recommendations, we review the entire record de novo, State ex rel. Oklahoma Bar Association v. Todd, 1992 OK 81, 833 P.2d 260. A violation of the ORPC must be established by clear and convincing evidence. Rule 6.12(c), RGDP; State ex rel. Oklahoma Bar Association v. Miskovsky, 1991 OK 88, 824 P.2d 1090.

III. Complaint I, Count I, Graham Litigation

¶8 In 1987, Respondent entered his appearance for the plaintiff, Graham, in her suit alleging wrongful termination, discrimination and harassment against American Airlines (Graham 1). The case was tried in the Northern District over a period of days. After the trial, in August of 1989, the court entered judgment for the defendant, American Airlines. After judgment in Graham 1, Respondent filed two cases in the state district court in Tulsa County regarding the same claim

(Graham 2 and Graham 3). Respondent filed Graham 2 in September, 1989, only about a month after judgment in Graham 1; he filed Graham 3 in September, 1991. American Airlines removed both cases to the Northern District.

¶9 In the Northern District, Respondent asserted that Graham 2 was a new and distinct cause of action for fraud upon the court based upon newly discovered evidence relating to the timing and occurrence of an aircraft inspection. The Northern District rejected the assertion and granted summary judgment to American Airlines. The court determined that the Graham 2 claim represented an impermissible collateral attack on the Graham 1 judgment, because the claim either was raised or could have been raised in Graham 1 and was therefore barred by the doctrines of res judicata and collateral estoppel.

¶10 In Graham 3, Respondent continued his pursuit of the claim asserted in Graham 2, i.e., that fraud had been perpetrated on the court. In response, American Airlines filed a separate action in the Northern District seeking to prevent Respondent and his client from filing further actions in state district court (Graham 4). In Graham 4, the Northern District enjoined Respondent from relitigating issues previously decided in Graham 1. The Northern District sanctioned Respondent as well.

¶11 During the course of the Graham litigation, Respondent filed a myriad of post-trial motions in the Northern District in the form of motions to vacate, motions to reconsider and motions to clarify. In addition, he commenced two appeals to the Tenth Circuit both of which he later sought to dismiss. He also sought two writs of mandamus in the Tenth Circuit. Ultimately the Tenth Circuit sanctioned Respondent indicating that "[t]he record in this case is replete with multiple and vexatious filings by Plaintiff . . . so numerous

and multiplicative we . . . have determined that sanctions are appropriate in this case."1

¶12 Before the PRT, Respondent repeatedly defended his conduct as necessary to prevent fraud from being perpetrated upon the court "by the planned insider means of criminal concert enabled by Rule 34(a), F.R.App.P." Respondent complained the judges of the Northern District did not read his briefs relating to the newly asserted claim brought in the state district court action and that the Northern District's "injunctive fiats had protected American Airlines by evaporating the [new claim] without mentioning it." Respondent believed both the Northern District and Tenth Circuit had been defrauded and this justified his repeated and zealous efforts to bring the fraud to the attention of the courts.

¶13 At the PRT hearing, Respondent was either unwilling or unable to acknowledge that his conduct with respect to the Graham litigation violated any rules of professional conduct or was prejudicial to the administration of justice in any fashion. He repeatedly excused his own behavior and blamed his difficulties on either the federal judicial system, his opposing parties, or a favored relationship between the two.

¶14 Rule 3.1, ORPC, demands that "[a] lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis for doing so that is not frivolous[.]" The comment accompanying the Rule further provides that attorneys have a "duty not to abuse legal procedure." Rule 8.4(d), ORPC, states that an attorney may not engage in conduct that is prejudicial to the administration of justice. Rule 1.3, RGDP, requires all attorneys to act within the prescribed standards of conduct and to refrain from acts which would "reasonably be found to bring discredit upon the legal profession."

¶15 At his March, 1999, hearing before the PRT, Respondent admitted the underlying conduct set out in Count I of Complaint I, but denied that his actions violated any of the Oklahoma Rules of Professional Conduct or the Rules Governing Disciplinary Proceedings. We disagree. Although Respondent may have genuinely believed that his client was the victim of fraud and that he was asserting a meritorious claim when he filed Graham 2, the overall manner in which he conducted the Graham litigation clearly abused the resources of the courts. After having two appeals dismissed in the Tenth Circuit, Respondent attempted to avoid the force of the Graham 1 judgment by filing two subsequent proceedings in state court. Both state court filings were impermissible collateral attacks on the judgment in Graham 1. Dryden v. Burkhart, 198 Okla. 239, 177 P.2d 121(1947).

¶16 We agree with the comments of the Northern District when it stated that it "views the pending state court proceeding as essentially vexatious and baseless . . . One lawsuit to pursue her alleged rights was appropriate. Two lawsuits are inappropriate. Three lawsuits are clearly vexatious."2 Regardless of his convictions to Graham's cause, Respondent was required to heed the law regarding the method of attacking judgments and the mandates of the Oklahoma Rules of Professional Conduct. Respondent failed in this regard. We find that the evidence establishes, by a clear and convincing standard, that Respondent's actions, as alleged in Count I, Complaint I, were prejudicial to the administration of justice and violated Rules 3.1 and 8.4(d), ORPC, and such actions by Respondent were contrary to prescribed standards of conduct and grounds for discipline under Rule 1.3, RGDP.

IV. Complaint I, Count II, the Mullen Cases

¶17 In 1989, Respondent represented Mullen, the owner of a transfer and storage company who filed a claim in the

Northern District alleging his business was adversely affected by the actions of the railroad company which removed a railroad crossing and limited access to his property (Mullen 1). After a trial, the court entered judgment against Mullen. Respondent subsequently filed a Motion to Vacate the Judgment, alleging the judgment had been obtained through fraud upon the court, which was substantially the same argument made by Respondent throughout the Graham litigation. After the trial court denied Respondent's Motion to Vacate, Respondent filed subsequent motions for reconsideration and mandamus relief which were also denied.

¶18 When Respondent's efforts to seek post-judgment relief failed in Mr. Mullen's case, Respondent filed a case in state district court in Tulsa County on Mrs. Mullen's behalf, again alleging the Northern District judgment against Mr. Mullen was obtained through fraud upon the court (Mullen 2). In late 1990, one of the defendants in Mullen 2 filed an action in the Northern District seeking to enjoin Respondent from asserting any allegation contrary to the court's specific findings of fact in the first Mullen case (Mullen 3). The trial court granted the preliminary injunction against Respondent and his client.

¶19 Throughout the hearing before the PRT, Respondent defended the filing of Mullen 2, arguing that although Mrs. Mullen did not own the transfer and storage company, her property rights were adversely affected by the railroad company's action and she had a legitimate right to protect her property value. Respondent once again asserted fraud on the court by claiming that the railroad company, in concert with the Oklahoma Corporation Commission, withheld records concerning the crossing.

¶20 At the PRT hearing, Respondent was either unwilling or unable to acknowledge that his conduct with respect to the

Mullen litigation violated any rules of professional conduct or was prejudicial to the administration of justice in any fashion. He repeatedly excused his own behavior and blamed his difficulties on either the federal judicial system, his opposing parties, or a favored relationship between the two.

¶21 At the PRT hearing, Respondent admitted the underlying conduct set out in Count II of Complaint I, but denied that his actions violated any of the Oklahoma Rules of Professional Conduct or the Rules Governing Disciplinary Proceedings. We disagree. After losing on the merits of his claim on behalf of Mr. Mullen, Respondent filed a Motion to Vacate and two subsequent motions to reconsider directed at the denial of the Motion to Vacate. After his direct attack on the judgment in Mullen 1 failed, Respondent took a second and prohibited bite at the apple by asserting the same claim on behalf of Mrs. Mullen in state court. Once again, respondent alleged that the judgment in Mullen 1 was procured by fraud on the court.

¶22 By filing a state court action which sought to defeat the force of Mullen 1, Respondent launched an impermissible collateral attack on that judgment. By asserting allegations in Mullen 2, on behalf of Mrs. Mullen, contrary to the specific factual findings of the court in Mullen 1, Respondent acted in a manner that was both frivolous and contrary to prescribed standards of conduct. Respondent's conduct clearly and convincingly violated Rules 3.1 and 8.4(d), ORPC, and such actions by Respondent were contrary to prescribed standards of conduct and grounds for discipline under Rule 1.3, RGDP.

V. Complaint I, Count III, the Burggraf Case

¶23 Respondent represented the Burggraf Corporation in a case that began in 1982, which Burggraf ultimately lost on the merits. During the course of the litigation, Respondent

initiated six appeals from various rulings of the trial court. In a November 1990 opinion, the Tenth Circuit remanded one of the appeals to the Northern District to impose sanctions against Respondent for frivolous filings. In remanding, the Tenth Circuit stated:3

The appeal in the instant case is frivolous in every respect. This is the sixth appeal concerning this case and the second that has been found to be frivolous. It is apparent to this court that Plaintiffs' actions in filing six appeals and making patently frivolous appeals establishes a pattern that cannot be tolerated.

¶24 Before the PRT, Respondent justified his numerous appeals in the Burggraf litigation by contending that the trial judge assigned to the case was biased on behalf of large companies and large law firms. He argued that this bias facilitated fraud upon the court.

¶25 At the PRT hearing, Respondent was either unwilling or unable to acknowledge that his conduct with respect to the Burggraf litigation violated any rules of professional conduct or was prejudicial to the administration of justice in any fashion. He repeatedly excused his own behavior and blamed his difficulties on either the federal judicial system, his opposing parties, or a favored relationship between the two.

¶26 Having reviewed the circumstances surrounding the multiple appellate filings in the Burggraf case, this Court finds the evidence clearly and convincingly establishes that Respondent filed appeals without merit and incessantly re-hashed arguments that had been previously rejected. We conclude Respondent engaged in conduct that was frivolous and marked an unwarranted taxation on the resources of the courts in violation of Rules 3.1 and 8.4(d), ORPC, and such actions by Respondent were contrary to prescribed standards of conduct and grounds for discipline under Rule 1.3, RGDP.

VI. Complaint I, Count V, Communication with Person Represented by Counsel

¶27 Respondent contacted the general counsel of American Airlines by mail on two separate occasions in 1994. The first contact related to a settlement demand and the second contact took the form of a rambling and incoherent letter. At the time of the contacts, both Respondent and American Airlines were named parties in a suit pending in the Tenth Circuit in which American Airlines had sued Respondent. American Airlines was represented by counsel of record at the time of the contacts.

¶28 Count V was added when the first Complaint was amended in September, 1994, and alleged that Respondent violated Rule 4.2, ORPC, prohibiting an attorney from communicating "about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter[.]" Before the PRT, Respondent denied that his actions violated Rule 4.2 and justified the contacts by asserting that he was not "representing a client" but was a party to the federal court action. The PRT found the evidence did not clearly and convincingly establish a violation of Rule 4.2, ORPC, but recommended Respondent receive a private reprimand.

¶29 It is clear any correspondence between Respondent and American Airlines should have been directed to the firm listed as counsel of record for the airline. However, we are mindful that Respondent was a named party in the action and his communications were with another attorney, the general counsel for American Airlines. We agree with the PRT that the OBA failed to establish that Respondent violated Rule 4.2, ORPC, by the requisite clear and convincing evidence standard.

VII. Respondent's Remarks In Documents Before the PRT

¶30 In their findings of fact, the PRT indicated that Respondent filed a response to the first complaint in which he contended that certain members of the federal judiciary and members of the Professional Responsibility Commission should be disbarred. The PRT found that this violated Rule 8.2, ORPC, that "[a] lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge[.]" The record is devoid of any attempts to show that the statements were false or made with reckless disregard as to their falsity. In the absence of a showing of falsity, the statements must be held to be speech on vital issues of self government protected by the first amendment. State ex rel. Oklahoma Bar Association v. Porter, 1988 OK 114, 766 P.2d 958. Accordingly, we decline to premise any discipline against Respondent based on these remarks

VIII. Disciplinary Action in Other Jurisdictions

¶31 As a result of Respondent's conduct in the Graham and Burggraf litigation, both the Northern District and the Tenth Circuit imposed substantial monetary sanctions against Respondent. Because of his actions in the Graham litigation, Respondent was disbarred from practice before the Tenth Circuit in December, 1993, that court noting that Respondent had "unnecessarily taxed the resources of the judiciary" and that "[i]n light of the prior warnings he has been given, his conduct can only be described as in bad faith."4 Earlier, in January, 1993, Respondent was suspended from practice before the Northern District for a period of three years. He was later denied reinstatement when he insisted upon arguing the lack of merit involved in the original suspension rather than focusing on corrective efforts and assuring the court there would be no repeat abuses.

¶32 The OBA filed a second Complaint against Respondent. Although designated as a separate complaint, the pleading raised no additional acts of professional misconduct. It alleged that Respondent had been disciplined in other jurisdictions, i.e., the Northern District and the Tenth Circuit, for the acts described in the first Complaint and alleged those same acts violated Rules 1.1, 3.1, 8.2, and 8.4(d), ORPC, and Rule 1.3, RGDP.

¶33 When a member of the Oklahoma Bar Association is disciplined in another jurisdiction, the findings, conclusions of law, or assessments of discipline are not binding on this Court. Rules 1.1 and 7.7, RGDP. This Court will conduct a de novo review to determine if the findings in the other jurisdiction are supported by the evidence or whether those findings furnish sufficient grounds for discipline in Oklahoma. Rule 7.7(b), RGDP.

¶34 While the adjudication in the other jurisdiction is not binding on this Court, it is prima facie evidence that the lawyer committed the acts described therein. In response, "[t]he lawyer may submit a certified copy of the transcript of the evidence taken in the trial tribunal of the other jurisdiction to support his/her claim that the finding therein was not supported by the evidence or that it does not furnish sufficient grounds for discipline in Oklahoma." In addition, "[t]he lawyer may also submit, in the interest of explaining his/her conduct or by way of mitigating the discipline which may be imposed upon him/her, a brief and/or any evidence tending to mitigate the severity of discipline." Rule 7.7(b), RGDP.

¶35 At the PRT hearing, Respondent complained that the PRT violated his due process rights when it truncated his opportunity to present his case. As a result, Respondent moved for a mistrial at the conclusion of the PRT hearing. Respondent then filed a motion in which he reurged a

previous request that the PRT panel members recuse themselves because they were prejudiced against him.

¶36 During the course of the PRT hearing, Respondent testified at length on his own behalf and offered another witness in an effort to explain why the multiple-filed actions and appeals in his various federal court cases were appropriate and justified. In addition, Respondent provided the PRT with voluminous briefs, appendices and answers cataloging his defenses to the Northern District disciplinary proceedings.5 At a point in the PRT hearing, the presiding panel member prevented Respondent from presenting all his proposed witnesses when the presiding member concluded that Respondent intended to offer each witness to excuse the misconduct underlying the federal court discipline. Later in the hearing and after Respondent had testified over the course of two days attempting to establish the injustice of the Northern District discipline, the PRT refused to permit further testimony from Respondent.

¶37 Respondent contends that Rule 7.7(b), RGDP, provides him the right to present witnesses and testify on his own behalf "in the interest of explaining his/her own conduct or by way of mitigating the discipline which may be imposed upon him/her[.]" While Respondent is correct in this regard, the record reveals that Respondent was not submitting evidence to explain his conduct or to mitigate the severity of possible discipline. Rather, his testimony and witnesses were designed to establish that the evidence taken in the federal proceedings did not furnish sufficient grounds to discipline him in Oklahoma.6 Under Rule 7.7(b), this purpose may only be accomplished by submitting a certified copy of the transcript of the evidence taken in the other jurisdiction.

¶38 Furthermore, even if the excluded testimony was indeed relevant to the issue of explaining his conduct or mitigation, it was properly excluded because it was cumulative.7

Respondent presented the PRT with considerable testimony and volumes of documents and exhibits explaining his conduct in the three federal cases. The PRT did not abuse its discretion in failing to hear more.

¶39 In conclusion, we have examined the documents relating to the disciplinary proceedings in the Northern District and the Tenth Circuit. These documents are prima facie evidence that Respondent committed the acts described within the documents.8 Rule 7.7(b), RGDP. This conduct provided the PRT with sufficient grounds for recommending discipline in Oklahoma.

IX. Enhancement

¶40 For purposes of enhancement of discipline, OBA asserted that Respondent previously received a private reprimand for trust account violations in May, 1991. In Respondent's Amended Answer, he admitted the discipline was received, although not that it was deserved. In his answer, he disputed the underlying facts of the trust account violations and attempted to revisit the merits of the previous discipline.

¶41 This Court refuses to revisit the merits of the 1991 discipline. We note that Respondent's efforts to minimize his role in the past behavior for which he received the reprimand is consistent with his approach to the other counts of the Complaint. This Court may consider the discipline Respondent received in 1991 in fashioning the degree of discipline to be imposed for his current misconduct. Rule 1.7, RGDP.

X. Mitigation

¶42 There are several factors present in this bar matter that bear on the issue of mitigation. As already discussed, the

crux of the complaints against Respondent originated in his handling of three separate matters in the Northern District and the Tenth Circuit, between 1986 and 1993. Both jurisdictions in which the offending conduct occurred severely disciplined Respondent in 1993. In addition, both jurisdictions imposed substantial monetary sanctions against Respondent.

¶43 We point this out not to suggest that the Respondent has already been disciplined enough. To make that the test would be to give undue weight to Respondent's private interests, whereas the true test must always be the public welfare. State ex rel. OBA v. Scandland, 1970 OK 94, 475 P.2d 373. Where any clash of interest occurs, whatever is good for the individual must give way to whatever tends to the security and advancement of public justice. Id.

¶44 Because the purpose of attorney discipline proceedings is for the protection of the courts, the public and the legal profession, State ex rel. Oklahoma Bar Association v. Minter, 1998 OK 59, 961 P.2d 208, the discipline imposed by the Northern District and Tenth Circuit is relevant as a mitigating factor only to the extent that it serves those interests. In evaluating whether the earlier discipline has served those interests, we note that the last misconduct in this case occurred more than seven years ago. The OBA must advise this Court of all time-related grievances so that we may effectively evaluate a misconduct complaint and formulate the appropriate discipline. See, State ex rel. Oklahoma Bar Association v. Wolfe, 1997 OK 47, 937 P.2d 988, 996. Since the OBA has not informed us of additional grievances directed at Respondent, we must assume that Respondent, who continues to practice law, has essentially confined his misconduct to those allegations contained within the two complaints under consideration. It appears that the discipline meted out by the Tenth Circuit and the Northern District has effectively served to protect the courts,

the public and the legal profession from continued offending conduct by the Respondent. Accordingly, we view the federal court discipline as a significant mitigating factor.

¶45 One other factor bears on the issue of mitigation. Although this proceeding was initiated more than eight years ago, it does not appear that the Respondent has been dilatory or uncooperative in any fashion. In fact, the record indicates Respondent has been quite willing to answer the complaints, even amending his answers in an effort to update them close to the time of hearing. He has complied with the OBA's requests for information and has virtually inundated the PRT and this Court with documentation. Respondent in no way appears eager to hide material from or avoid oversight by the OBA, the PRT or this Court.

XI. Discipline

¶46 This Court possesses original and exclusive jurisdiction in bar disciplinary proceedings. Rule 1.1, RGDP. This Court's review is by de novo consideration of the entire record. State ex rel. Oklahoma Bar Association v. Weeks, 1998 OK 83, ¶ 12, 969 P.2d 347, 351. The PRT's findings, conclusions of law, or recommendations of discipline are not binding on this Court. State ex rel. Oklahoma Bar Association v. Eakin, 1995 OK 106, 914 P.2d 644, 648. The ultimate responsibility to impose discipline in a case before this Court is ours alone." Id.

¶47 An attorney must be zealous in his advocacy on behalf of his clients, but the rule is not without limits and the attorney must remain within the bounds of the law and ethical considerations. Respondent's conduct in the Graham, Mullen and Burggraf litigation exceeded these bounds. His conduct in these cases unquestionably compels us to impose a strict discipline. Perhaps the single most troubling aspect of Respondent's unprofessional conduct is his unwillingness to

admit or his inability to realize the vexatious and abusive nature of his filings during this time. Our reading of the record indicates that it was this factor, more than any other, that caused the PRT to recommend that Respondent be disbarred.

¶48 In imposing discipline, our purpose is not to punish the involved attorney, but to inquire into his continued fitness to practice law with a view to safeguarding the public, the courts and the legal profession. State ex rel. Oklahoma Bar Association v. Badger, 1995 OK 113, 912 P.2d 312. With that purpose in mind, we must weigh or balance a myriad of factors in crafting an appropriate discipline, some that warrant increasing the severity of the discipline to be imposed and others mitigating the severity.

¶49 Respondent has previously received a private reprimand from this Court for trust violations in May of 1991. Also, to this day Respondent still refuses to acknowledge that his actions in the three federal matters violated any rule of professional conduct. Both of these factors warrant increasing the severity of the discipline.

¶50 However, Respondent has consistently cooperated with the OBA throughout this proceeding. Also, Respondent has apparently practiced law throughout the pendency of this matter without any further grievances. Both these factors tend to mitigate the severity of the punishment.

¶51 The PRT has recommended that Respondent be disbarred. We reject that recommendation for two primary reasons. First, when determining discipline for attorney misconduct, we compare the circumstances presented with those of previous disciplinary proceedings. State ex rel. Oklahoma Bar Association v. Bolton, 1995 OK 98, 904 P.2d 597. The professional misconduct of the Respondent occurred in his handling of three separate matters in federal

court between 1986 and 1993. In those matters, Respondent exceeded the bounds of zealous advocacy by pursuing baseless legal claims and remedies. Although his conduct in this regard posed a serious potential for interference with the administration of justice, it does not warrant disbarment. A review of cases in which this Court imposed disbarment as a discipline reveals the existence of conduct of a more serious degree of culpability.9

¶52 Second, we are persuaded that the discipline imposed by the Northern District and Tenth Circuit (the jurisdictions in which the misconduct occurred) has effectively served to deter Respondent from subsequent acts of professional misconduct. Respondent has apparently practiced law in the intervening seven years without any reported grievances. In view of this recent record, we are convinced that we can fulfill our purpose to protect the public and the courts generally by crafting a discipline short of disbarment.

¶53 For the reasons stated herein, Respondent is suspended from the practice of law for a period of six (6) months from the effective day of this pronouncement. Respondent is ordered to pay costs in the amount of $1,340.25 relating to the investigation and disciplinary proceedings against him not later than ninety (90) days after this opinion becomes final.

RESPONDENT IS SUSPENDED FROM THE PRACTICE OF LAW
FOR A PERIOD OF SIX (6) MONTHS FROM THE EFFECTIVE DAY
OF THIS PRONOUNCEMENT; AND COSTS IMPOSED.

¶54 SUMMERS, C.J., HARGRAVE, V.C.J., and HODGES, LAVENDER, KAUGER, and BOUDREAU, JJ., concur.

¶55 OPALA, J., concurs in disciplining the respondent but dissents from the lenient sanction imposed.

¶56 WINCHESTER, J., with whom OPALA, J., joins, concurring in disciplining and dissenting from disposition:

¶57 WATT, J., not participating.

FOOTNOTES

1 Graham v. American Airlines, Inc., No. 91-5060 (10th Cir. Apr. 7, 1992) (Order granting sanctions) quoted in IN RE: Grievance Against Craig Tweedy, No. M-267-A, (N.D. Okla. Jan. 15, 1993) (unpublished order directing entry of order and judgment suspending Tweedy from practice before the court for a period of three years).

2 American Airlines, Inc. v. Tweedy, No. 91-C-762-B, (N.D.Okla. Mar. 31, 1992) (Order granting injunction and award of sanctions) quoted in IN RE: Grievance Against Craig Tweedy, note 1, supra.

3 The Burggraf Corporation v. Goodyear Tire and Rubber, Inc., No. 90-50-91, (10th Cir. Nov. 21, 1990) quoted in IN RE: Grievance Against Craig Tweedy, note 1, supra.

4 In an appeal in Graham 4, the Tenth Circuit said:

In our prior order granting sanctions, we assessed penalties to be paid American Airlines. In this case, however, we will assess penalties to be paid to this court. Mr. Tweedy has unnecessarily taxed the resources of the judiciary. In light of the prior warnings he has been given, his conduct can only be described as in bad faith. Pursuant to Local Rule 46.5, and our inherent authority to deter abusive litigation, we order Mr. Tweedy to pay the clerk of this court $3,000. Payment shall be made within twenty days of the date of this order. In

addition, the clerk is directed to initiate disciplinary proceedings against Mr. Tweedy in accordance with Rule 46.5 and this Court's Plan for Attorney Disciplinary Enforcement.

American Airlines, Inc. v. Tweedy, 13 F.3d 404 (10th Cir. 1993).

The disciplinary proceedings were initiated by a show cause order and upon his failure to respond, Respondent was disbarred by the Tenth Circuit by order filed March 9, 1994.

5 The panel noted several times during the course of the hearing that it had read all the materials Respondent provided and was thus aware of his underlying defenses and explanations relating to the federal court discipline.

6 Before excluding Respondent's witnesses, the following exchange occurred between the presiding panel member and the Respondent:

MS. HILL (presiding): I understand - if I understand you correctly, Mr. Tweedy, you want to offer these remaining three witnesses, as you did with Mr. Mullen, for the purpose of establishing that what you did in their cases was not a violation of the Rules of Professional Conduct; is that correct?

MR. TWEEDY: The extent that it helps me show the fraud and the failures of jurisdiction and the due process violations that I am asserting are material to the issues before this Panel, yes.

At the conclusion of the hearing, the presiding panel member asked Respondent whether he had any evidence in mitigation of the discipline. Respondent answered:

MR. TWEEDY: For the record, I am not going to put on mitigation - something stated to be mitigation of - of punishment which would admit impliedly -

MS. HILL: That's fine.

MR. TWEEDY: - that I've done anything unethical.

7 Rule 6.12 of the Rules Governing Disciplinary Proceedings provides that the reception of evidence in a disciplinary proceeding "shall be governed generally by the rules in civil proceedings[.]" Title 12 O.S. 1991, § 2403 provides that "relevant evidence may be excluded if its probative value is substantially outweighed by the danger of . . . needless presentation of cumulative evidence[.]"

8 Respondent admitted the underlying conduct alleged in Complaint I, Count I (Graham litigation) and Count II (Mullen litigation). These admissions alone provide sufficient grounds for discipline by this Court without any reference to the disciplinary proceedings in the other jurisdictions.

9 A few examples of conduct which this Court has determined warrants disbarment include: (1) multiple incidences of fraud, misrepresentation, incompetence, negligence, unauthorized practice of law, etc., State ex rel. Oklahoma Bar Association v. Wolfe, 1997 OK 47, 937 P.2d 988; State ex rel. Oklahoma Bar Association v. Thomas, 1995 OK 145, 911 P.2d 907; State ex rel. Oklahoma Bar Association v. Hensley, 1983 OK 32, 661 P.2d 527; (2) conviction of wire fraud and money laundering, State ex rel. Oklahoma Bar Association v. Brunson, 1996 OK 32, 912 P.2d 876; (3) forging judge's signature on notice of guardianship proceeding, State ex rel. Oklahoma Bar Association v. Brown, 1993 OK 39, 863 P.2d 1108; (4) practice of law while bar license suspended for four years,

continuing to advertise in phone book, and lying to clients about bar license, State ex rel. Oklahoma Bar Association v. Downing, 1993 OK 44, 863 P.2d 1111; (5) conversion of client funds, State ex rel. Oklahoma Bar Association v. Herlihy, 1991 OK 123, 827 P.2d 164; (6) conviction of felonies of possessing and transferring unregistered firearms, State ex rel. Oklahoma Bar Association v. Floyd, 1991 OK 34, 812 P.2d 378; and, (7) solicitation of a bribe while serving as a county judge, State ex rel. Oklahoma Bar Association v. James, 1969 OK 119, 463 P.2d 972.

IN THE SUPREME COURT OF
THE STATE OF OKLAHOMA

STATE OF OKLAHOMA ex rel.
Oklahoma Bar Association,

Complainant,

V. SCBD No. 3878
(consol. w/SCBD
CRAIG R. TWEEDY No. 42431

Respondent.

PETITION FOR REHEARING

The Respondent, Craig Tweedy, in utmost candor, petitions the Court to rehear this matter and forthrightly protect the Court, Constitution and due process by applying the Due Process Clause to vacate the Decision of May 9, 2000. Contrary to the settled law of the land, the PRT and Court gave the res judicata and comity force prohibited for the federal district court decisions affected by the fraud and due process denials shown by the record documents and settled authorities, but unfairly excluded from the transcript and PRT Findings. By the May 9 Decision, the Court misapprehended the record, denied due process and became the res judicata and comity victim of the fraud and deceit intended by the American Airlines, Goodyear and Union Pacific grievance and 1992 the "Ethics" Complaint.

Those immutable record truths and the So Help Me GOD Oath of each Justice compel forthright stands to protect the Court, Constitution and Bill of Rights of we, the people, by remanding this matter for a full and fair hearing before an impartial panel.

The record learning keys stand in uncommon defense of those individual rights, religious liberties and moral standards of we, the people, as endowed by GOD from regal power and demand the remand for a new, full and fair hearing, no matter who may be offended!!

THE REHEARING STANDARDS OF FACT AND LAW

The law of the land prohibits res judicata and comity for the Northern District decisions infected by fraud, pretexts of jurisdiction and due process denials, all as indisputably shown by the record documents and settled authorities set forth by the Amended Answers and Answer Brief.

However, this settled law was obviated by the PRT, which denied the right to testify and call witnesses is substantive defense. This denied a fair hearing and due process, while secreting crucial truths from the transcript - garbled where this Attorney made major points.

Res judicata applies, "absent fraud or some other factor invalidating the judgment." Commissioner v. Sunnen (1948), 333 US 591, 68 SCt 715, 719.

Moreover, the May 9 Decision is void because, "due process requires that no other jurisdiction shall give effect, even as a matter of comity, to a judgment elsewhere acquired without due process," Griffin v. Griffin (1946), 327 US 220, 66 SCt 556, 560.

Accordingly, the Due Process Clause invalidates the res judicata and comity Decision of May 9, 2000 for its denial of due process and compels a new, fair and full hearing in this matter of extraordinary public and constitutional importance.

At a fair hearing, absent res judicata, the record documents, authorities and testimony will show the regal pattern and affects of inside fraud which subvert the Constitution, federal court function, rights and claims, at will. This protected Goodyear, the Union Pacific and American Airlines ("AA") in sequence, as multinational corporations, those regally annoyed by law and the rights of others - we, the people.

Truth needs no disguise, particularly in ethics proceedings.

In truth, federal district judges unlawfully plead for the claimants to protect the huge corporations from the actual damage claims filed. In each matter, Judges Brett or Ellison usurped power, altered the material claim facts and imposed meritless, frivolous or vexatious claims by judicial fiat - like changing apples into oranges.

Those record affects are undisputed by the OBA, except by giving res judicata benefit to the void judicial fiats and forgeries imposing the false claims – the oranges protected by the PRT!!

The May 9 Decision found, at ¶ 36, that this Attorney "testified at length on his own behalf and offered other witnesses in an effort to explain." Yes, this Attorney was called to answer artfully deceptive Complaint allegations, yes or no, to paint a false transcript.

But in fact, the PRT refused to permit this Attorney and key witnesses, his former clients and an aviation expert, to testify to personal and record knowledge of the claim facts altered.

The PRT ruled that such substantive defenses to the Complaint were precluded by the federal decisions - "we're

really here to impose discipline" (Tr I, at 90:20). "I'm not restricting your defense, but your defense is to what's mitigating (Tr II, at 21:18).

And to the settled exceptions to res judicata argued and cited (Tr I, at 10-14, 84-85; Am Ans, at 64-66), the PRT ruled that the law of the land was inapplicable to OBA ethics proceedings (Tr I, at 25-26).

By so doing, the PRT not only denied a fair hearing, but the substantive right to defend against and defeat the Rule 3.1 charges of frivolous litigation, for example, by showing the facts, record documents and settled authorities in sound support of the actual claims and litigation positions taken against the oranges imposed by fiat.

The PRT aborted law and due process by edict: You are guilty as charged. Your defense is limited to admitting unethical tactics to mitigate the discipline intended – a due process farce.

After demanding a mistrial, this Attorney adopted the Amended Answers as his testimony in defense Tr I, at 21-22) - the evidence unrebutted by the OBA.

In truth, the OBA could not support the deceptively designed Complaints and counts, absent the prohibited res judicata veil.

IN POINT, the OBA has not and CANNOT ETHICALLY show the record claim or APPLE not changed into an ORANGE in federal district court, as demanded of record by this Attorney, nor may the grievants, the MULTINATIONAL corporations, who targeted the Court with the regal affects of inside fraud, veiled with delicate lace.

Yet, the "ethics" Complaints, in effect, charged the unethical filing of and/or opposition to the oranges imposed by judicial fiat, as shown by the record claims actually filed. Those truths are what the transcript shielded from the Court. This is not SURREAL, but RECORD FACT.

Worse, those PRT denials of due process, boot-strapped to the federal denials of due process, were adopted by the May 9, 2000 Decision - the fact denying due process and compelling the remand for a fair and full hearing, under the Due Process Clause.

A fair hearing will allow the testimony, record claims and settled authorities to show the unconstitutional affects of the fraud and due process denials, otherwise confessed by the oranges imposed by judicial fiats, i.e., the important fact that nothing lawful and constitutional happened in the three Northern District matters.

The utter fraud and voidness strongly implies that Judges Brett and Ellison had no fear of detection by 10th Circuit Judge Panels, because of law clerk concert. Under Rule 34(a), FRAP, Congress permits most federal appeals to be decided by law clerks, warns NY Times and three federal appeals court judges. See article attached to Supplement to Motion for Remand.

This 10th Circuit law clerk concealment of the apples-to-oranges fiats may be soundly inferred from the 11 Document Test, an exhibit indexed to the record. The fraud claim against AA (Doc 1) had been ceded to state court by Judge Cook acting to diplomatically refuse to hear the newly discovered fraud as being "untimely" filed. And since the claim did not seek, nor need to relitigate any issue decided in federal court, the Anti-Injunction Act "absolutely prohibited" federal court jurisdiction (Ans. Br. at 29-30).

But that was mere fact and law. So an "engine overhaul" became a "turbine" engine part and the record claim or apple (Doc 1) was evaporated, not from the record, but from the attacking documents and resulting decisions (Doc 2-11).

The actual apple (Doc 1) was not mentioned by the injunctive complaint and BIG-THREE grievance (Doc 2-4), which attacked this Attorney *in 1991* for filing the relitigation orange imposed *in 1992* by Judge Brett's fiat (Doc 5), without mentioning it. Nor was it mentioned in the suspension order (Doc 6) or by the appeal decisions (Doc 7 - 11) in refusing the right of oral argument [or by the deceptive OBA complaints and specious PRT findings].

Those acting in concert could not risk oral argument - the record claim (Doc 1) exposure of the relitigation orange, fraud and judicial fiat to a panel of 10th Circuit Judges.

If circuit judges happened across Judge Brett's fiats (Doc 5) in reviewing the law clerk notes and decision, if at all, they saw a frivolous orange and appeal, not the fraud, pretext of jurisdiction and due process denials.

Yet this Attorney was sanctioned for frivolous filings, while the briefs warned that the 10th Circuit Court would be defrauded, once again, if the circuit judges did not read the actual briefs, rather than the law clerk case notes and decisions.

Nor did circuit judge panels see the threat of imprisonment for seeking appellate relief (96 Appendix, at 100) in violation of Judge Brett's injunctive fiat (Id, at 80) (Doc 5), which had sanctioned this Attorney $40,333.01 for filing the relitigation orange imposed by fiat.

Yet, from the record, seven (7) attorneys saw said threat of imprisonment and apple-to-orange fiat (Doc 5) and so signified to the 1992 Statement Opposing Grievance attached to the 11 Document Test (96 App. at 144; Ans Br. at 30-31).

Yes, Documents 2-4 bragged, in advance, the regal power to take rights, claims (Doc 5-6) and appeal rights (Doc 7-11), under res judicata, OBA and PRT protection, where this Court and the Bill of Rights for we, the people, were the ultimate victims intended.

While Documents 2-11 brag the failures of checks and balances of power engineered to enable regal power, at will, under major media/AP blackouts. This demands the attention of the Court, the PUBLIC and Congress – the way to check and balance reforms.

Based upon the record dangers seen by investigative reporters, they have been told NO news alerts for we, the people, since at least 1992. Those dangers are outlined by the exhibit attached to the Opposition to Bill of Cost - A Conversation with Joe.

Accordingly, the 1996 Test Appeal used the void suspension (Doc 6) and record apple (Doc 1) to force this regal power to the predicted protection of Reno and Clinton, upon notice, and predicted that the 10th Circuit Judges would not be permitted to see the apple (Doc 10-11), all as outlined in the Answer Brief, at pages 58-66.

This Petition, as fittingly due on Memorial Day, stands to serve we, the people, by demanding that this Court re-empower our Declaration of Independence from regal

power, the Document adopted part of the fundamental law of the land.[1]

Those major points and the fundamental issues presented by the Answer Brief explain why this Attorney is "unwilling and unable" to roll over.

The So Help Me GOD oath imposes the absolute duty to protect the Constitution and founding Judeo-Christian Principles of individual rights, religious liberties and moral standards for we, the people, from the regal abuses of government power – the regal affects victiming the Court with fraud and deceit, by res judicata and comity. Squarely in point before the presently victimized Supreme Court of Oklahoma is this landmark authority:

> Truth needs no disguise * * tampering with the administration of justice in the manner indisputably shown here involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot complacently be tolerated consistently with the good order of society. * * The public welfare demands that agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud. (Emphasis added)

Hazel-Atlas v. Hartford (1944), 322 US 239, 64 SCt 997, 1001-1002. Court have the "inherent power * * to investigate whether a judgment was obtained by fraud - the

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[1] See Gulf, C&S.F.Ry v. Ellis (1894), 165 US 150 – South Carolina v. Kutzenbach (1966), 383 US 301; 16 Am Jur 2nd, Constitutional Review 14, p. 327; Christianity And The Constitution, The Faith Of Our Founding Fathers, John Eidsmoe, Baker Press, 1987.

power to unearth it effectively." Universal Oil v. Root Refining (1946) 328 US 575, 66 SCt 1176, 1179.

In other words, "Woe be to those who call evil good * * to those who acquit the guilty and for a bribe and deny justice to the innocent." Isaiah 5:20.

In denying due process, the Court become another victim of the fraud and deceit, while multinational corporations bragged the unchecked power and covert influence to subvert fundamental law, rights, judicial function and these historic purposes of the Due Process Clause:

> Providing equal justice for the poor and rich, weak and powerful alike is an age-old problem. "Ye shall do no unrighteousness in judgment; thou shall not respect the person of the mighty; but in righteousness shalt thou judge thy neighbor. Leviticus, c. 19, v. 15." People have never ceased to hope and strive to move closer to this goal. This hope, at least in part, brought about the royal concessions of the Magna Carta: "To no one will we sell, to no one will we refuse, or delay, right or justice." (Emphasis added)

Griffin v. People of State of Illinois (1956), 351 US 12, 35, 76 SCt 585, 589.

Accordingly, the Court and Constitution need not be "mute and helpless victims of the fraud and deceit," IF the Justices, starting with one, honor their So Help Me GOD Oaths and Duties to cause this matter of landmark importance to we, the people, to be remanded for a full and fair hearing before a panel appointed by the Court, no matter who may be offended!!

"Fraud destroys the validity of everything into which it enters," Nudd v. Burrows (1875), 91 US 426, 23 Led 286, 290; particularly when "a judge himself is a party to the fraud," Cone v. Harris (Okl. 1924), 230 P. 721, 723.

THE GOODYEAR ORANGE IMPOSED

The Burggraf Exhibits and Answer Brief, at 43-53, show the fraud and due process voidness secreted from the transcript.

In 1992, a Robinson-Patman Act claim for price discrimination and kick-backs was filed against Goodyear. The price discrimination claim was generally alleged – all that was "necessary or permissible," under the controlling authorities (Ans. Br. at 43-45). Nor was 'concrete, detailed proof " necessary (Id) for the millions of annual tire sales at issue.

While Goodyear was refusing to permit records discovery, Judge Brett ordered plaintiff to "provide" Goodyear with "all alleged instances of contemporaneous sales," within six weeks. This fiat aborted the controlling authorities and actual claims before setting the requested discovery conference (Burg. Exh 2; Ans. Br. at 44, 46).

But when secured, the records were coded and Goodyear denied having the means to decode then, while demanding summary judgment for not being "provided" the detailed fact instances. The Goodyear pled seven (7) detailed fact instances for the Plaintiff. Judge Brett imposed those seven (7) oranges for trial and dismissed the actual claims – the apples (Burg Exh. 16, 19). Yet this ousted jurisdiction for his formal Rule 41(b) dismissal of the moot and unprosecutable oranges imposed for the failure to prosecution – the impossibility designed (Id. at 39; Ans. Br, at 47-49).

This plainly aborted law and due process and nothing lawful and constitutional had happened. Yet it appears that Goodyear and Brett did not fear appellate detection.

And the OBA endorsed, rather than fairly investigating those dark affects. While the PRT shielded them by excluding the testimony of Jerry Burggraf and this Attorney from the transcript and ruling that the law of the land did not apply to ethics proceedings!!

THE UNION PACIFIC ORANGE

The Mullen Exhibits and Answer Brief, at 37-43, show more horrific takings of rights, claims and due process by regally changing material claim facts and words.

In 1985, the Union Pacific ("UP") came in with guns and heavy equipment and obstructed the county roadway crossing, the sole access to the Mullen home and trucking terminal. The UP pretended the protection of its "private crossing" from trespassers, while secreting its USDOT record (M. Exh. at 4-5) admitting the "public crossing" status and the exclusive jurisdiction of the Oklahoma Corporation Commission ("OCC"). But since OCC insiders chose not to protect the public crossing (until J. C. Watts became a Commissioner 6 years later), the UP sued Al Mullen and his trucking entity in federal court to enjoin the trespasses over its "private crossing."

In 1987, the trucking entity filed a damage counterclaim for the unlawful "public crossing" obstructions. During discovery and trial, the UP withheld its USDOT record of the "public crossing fact." And contrary to the public crossing evidence, Judge Ellison imposed a "private crossing" (M. Exh. at 1). This meant that the trucking entity

had been a trespasser and its damage claim was meritless. An orange struck again.

While urging Rule 60(b) relief from the UP fraud, Al Mullen used a fictitious name and purpose to secure from the UP Headquarters, at Omaha, its USDOT record confessing the public crossing jurisdiction of OCC (M. Exh. at 4-5). And Osage District Judge Pearman found UP fraud in county roadway litigation intended to "deceive" Judge Ellison (M. Exh. at 14. This powerful evidence, plus the state records and testimony of state officials indisputably showed the exclusive OCC jurisdiction over the "public crossing" and, in particular, the clear UP fraud on rights and the federal court. But the plain fraud and decisional voidness of the "private crossing" fiat was shielded by Judge Ellison.

Judge Ellison refused relief (M. Exh at 15). He found no convincing evidence of actual knowledge by the UP lawyers of the UP "public crossing" record, while UP fraud was the actual Rule 60(b) issue. And the UP record confessed the exclusive OCC jurisdiction over the "public crossing," which nullified the "private crossing" pretext of federal jurisdiction over the crossing.

In short, Judge Ellison endorsed the UP fraud, continued the void "private crossing" orange, and took property rights, claims and due process. Nothing lawful and constitutional had happened – simple as that.

What the UP sought, it got, without the fear of appellate detection.

Lastly, Judge Ellison had ruled that Marilyn Mullen lacked any position of interest in the trucking entity claim and excluded her from the courtroom, under the rule of sequestration. (M. Exh. at 25). Yet his "private crossing" fiat – the void orange – took her property interests unlawfully

and without compensation. She had a proper and lawful right to file state claims to protect her home and property interests.

So why were those dark facts and the testimony of Al Mullen and this Attorney excluded from the transcripts, except to protect the Complaints, deceive the Court and warn all attorneys that the So Help Me GOD Oath is inapplicable to the fraud of multinational corporations and, in particular, when it corrupts federal court function?

THE AA ORANGE, REVISITED

The 1996 Appendix, Tweedy Exhibit and Answer Brief, at 26-37, greatly assisted by the 11 Document Test assistance, show what the Court and Public need to know and attend.

In Title VII litigation, Judge Cook found, among other grounds, that Lillian Graham had damaged the turbine part 9B6198 removed from jet engine 644980 during AA's 1985 overhaul of said engine. Fraud was contended because the FAR engine records showed wide gaps and did not show her FAR signature for any work. But the underlying engine overhaul was not an issue. In her subsequent claim against AA and the Union, she sought the actual and complete 1985 FAR engine records in discovery from the FAA to prove the fraud and conspiracy alleged and show that she had not worked on turbine part 9B6198. But the FAA was deceptive.

The FAA deception sparked a criminal investigation by USDOT agents, who found and produced the actual FAR records for jet engine 644980 (96 App. at 6-8). Those records and Jack Burk, an FAA Safety Inspector, retired, provided the BIG SURPRISE of December, 1990 (Id). AA's 1985 overhaul of engine 644980 had not, in fact, happened.

It was a fraudulent pretext concealed by forged FAR records and FAA complicity. And since the engine overhaul was a pretext, no turbine part could have been removed and damaged – what AA, the Union officials and FAA knew. This showed the high level fraud and motivation. Lillian Graham has been returned from layoff as L. A Graham. So by mistake, she became "the" female among 4,500 mechanics – the mistake unlawfully targeted, hammered and fired.

Rule 60(b) relief for this discovery that the 1985 engine overhaul did not happen and was as a fraudulent pretext was promptly filed on December 24, 1990 (96 App. at 12). Ultimately, Judge Cook refused to hear this newly discovered fraud as being "untimely" filed (Id. at 14). He had diplomatically ceded the discovered claim for fraud on Lillian Graham's rights to state court. Judge Cook well knew that AA's 1985 overhaul of engine 644980 had not been an issue raised and decided.

If Ms. Graham learned of the engine overhaul pretext prior to or during trial before Judge Cook, her claim surely would have been settled. So yes, the new discovery lawfully and properly threatened AA and the FAA – big time.

In September, 1991, Lillian Graham filed her claim for the discovered fraud and injury to her rights in the District Court of Tulsa County. It stated that AA's 1985 engine overhaul was a fraudulent pretext concealed by forged FAR records and FAA complicity, upon which she had relied to her detriment (Doc 1; 96 App. at 1-3). It did not seek, nor need to relitigate any issue decided in federal court, and under the settled intent of the Anti-Injunction Act, 28 USC 2284, federal injunctive jurisdiction was "absolutely" prohibited (Ans. Br. at 29-30).

So in September, 1991, the regal assault outlined by

the 11 Document Test began, even though Judge Cook had ceded the newly discovered claim to state court. AA's injunctive complaint (Doc 2-3; 96 App. at 25, 40; Ans. Br. at 30) did not mention the actual claim (Doc 1). AA whined about the relitigation of issues decided by Judge Cook - the relitigation orange imposed six (6) months later by Judge Brett's injunctive fiat of March 31, 1991 (Doc 5, 96 App, at 80). Judge Brett usurped power to create a relitigation exception to the Act by pleading for Ms. Graham, without mentioning her actual, ceded and proper claim. He regally changed the "engine overhaul" into "turbine disk" relitigation - the orange imposed as being the state court claim enjoined, and sanctioned this Attorney for filing the orange forged by fiat (Id. at 80; Ans. Br. at 31-32).

Moreover, the PRT refused to permit the testimony of Jack Burk, the retired FAA Safety Inspector, who discovered the engine overhaul pretext, with the help of criminal investigators, and well knew about the discovered and ceded claim altered by Judge Brett. And Jack Burke was among the seven (7) attorneys who, from the record, signed the apples-to-oranges statement attached to the 11 Document Test, which shows the fraud and deceit intended against this Court.

IN CONCLUSION

Those immutable record truths arising from the three Northern District matters expose the artfully crafted OBA counts and PRT Findings designed to deceive. And by abusing res judicata, the PRT secreted from the transcript what the 11 Document Test shows, the present danger to we, the people – squarely before the Court, targeted and victimized.

The Court was targeted by Goodyear, Union Pacific, American Airlines and minions to hammer this Attorney. If

this does not compliment this Attorney for his ethical and SO Help Me GOD defenses of the Constitution and client rights, why the fraud and deceit on the Court?

Worse, the due process denials by federal fiats, the PRT and May 9 Decision signal that Ethics Codes and So Help Me GOD Oaths to defend the Constitution have small meaning.

Those immutable record truths unveil the regal power and all too quiet constitutional crisis extant. This power negates the Bill of Rights and rights of we, the people, at will, and without recourse. It darkly operates, Trojan Horse style (Tweedy Exh. at 71), from within the institutions created to protect our rights and public interests – what Congress permits, by multinational engineering.

This enables regal foxes to guard the hen house, where we, the people, our small rights and the law are the chickens and the eggs.

The multinational corporations and minions were regally annoyed by law and rights of others, so the checks and balances of power designed into the Constitution of our Republic have been evaporated, under major media/AP blackouts - the affects bragged in this matter.

Each record claim was changed into an orange by judicial fiat. Yet those unconstitutional affects were endorsed by the OBA and secreted by the PRT from the transcript and denied due process,

> like saying to a party, appear and you will be heard; and, when he appears, saying, your appearance will not be recognized, and you will not be heard * * a mere arbitrary edict.

Windsor v. McVeigh (1876), 93 US 276, 23 Led 914, 918.

The Oklahoma Supreme Court will not be the "helpless victim of the fraud and deceit" intended by the multinationals, if the Justices, starting with one, stand upon their So Help Me GOD Oaths to protect the Court and Constitution for we, the people, by causing a new, full and fair hearing, no matter the federal and OBA scandal or who may be offended.

Truth needs no disguise, when fraud and due process voidness is before the Court.

Moreover, scandal breeds reform and the "good order of society."

Based upon the due process denials shown, this Attorney, Craig Tweedy, respectfully urges the Court to grant a new hearing before a panel appointed by the Court to fairly hear the evidence of ethical violations by this Attorney, if any, absent res judicata and comity, and whether the rights of the present and future generations are at stake and rest in the hands of the Court and each Justice.

RESPECTFULLY SUBMITTED,

(s) Craig Tweedy
CRAIG TWEEDY, PRO SE
202 Wells Building
Sapulpa, OK 74066
918-224-2222

CERTIFICATE OF MAILING

I hereby certify that on May 30, 2000, a true copy of the foregoing Petition for Rehearing was deposited in the U.S. Mail, with proper postage prepaid, and addressed to

Dan Murdock, General Counsel for the Oklahoma Bar Association, PO Box 53036, Oklahoma City, OK 73152.

(s) Craig Tweedy

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA ex rel. Oklahoma Bar Association,	)	
Complainant,	)	
V.	)	SCBD No. 3878 (consol. w/SCBD No. 4343)
CRAIG R. TWEEDY,	)	
Respondent,	)	

MOTION FOR ORAL ARGUMENT

The Respondent, Craig Tweedy, moves the Court to hear oral argument, en banc, and so grasp the constitutional mandates for a remand before an impartial panel below. The Court became a victim of fraud and deceit, while denying due process, by rendering the res judicata and comity Decision of May 9, 2000, contrary to the settled law of the land and controlling facts misapprehended. The OBA and PRT plan of deceit was intended by Goodyear, Union Pacific and American Airlines, when the multinational corporations grieved in 1991 – an unintended, but high compliment paid to the ethical and So Help Me GOD duties uncommonly applied by this Attorney in confronting the presently unchecked affects of regal power above law.

The Court was artfully deceived by the OBA and PRT picturing this Attorney as long combating surreal, rather than - real - judicial fiats, which altered the actual claims and material facts and denied due process, without recourse –

what the Petition for Rehearing shows.

The OBA and PRT could not support the artfully deceptive Complaints, absent res judicata for the Northern District fraud and due process denials – what the hearing transcript and PRT findings secreted from the Court, so deceived.

Those "real" affects are explained by Congress acting in 1979 to remove the duty of circuit judges to read the actual appeal briefs. This enabled the law clerk protection for the judicial fiats challenged by this Attorney, but secreted from the transcript, by res judicata.

We're here to impose discipline. You're guilty as charged. Substantive defenses, the law of the land and due process rights are inapplicable. Let the "ethics" hearing begin.

The regal protocol had to be protected from public exposure by So Help Me GOD Duties, at all costs, so the Court and its Justices were the ultimate victims intended.

The fraud, deceit and due process denials challenge the Bill of Rights for we, the people, and demand a new hearing before a fair and impartial panel appointed by the Court.

OBA General Counsel may narrow the issues by telling the Court which record claim filed by this Attorney was not materially altered by Northern District fiats – regal edicts.

This immutable matter of landmark importance to we, the people, absolutely tests the character, integrity and So Help Me GOD Duty of each Justice to protect the Constitution and the Court from the regal affects corrupting

government power from within, both federal and state.

The remand will test both ethics and the truths of whether the Constitution and rights of the present and future generations rest in the hands of the Court and each Justice.

For those fundamental reasons, this Attorney, respectfully, urges the Court to hear oral argument, en banc, and remand this matter for a new hearing before an impartial panel appointed by the Court, no matter resulting scandals or who may be offended.

RESPECTFULLY SUBMITTED,

(s) Craig Tweedy
CRAIG TWEEDY, PRO SE
202 Wells Building
Sapulpa, OK 74066
918-224-2222

CERTIFICATE OF MAILING

I hereby certify that on this 1st day of June, 2000, a true copy of the foregoing Motion for Oral Argument was deposited in the U.S. Mail, with proper postage prepaid, and addressed to Dan Murdock, General Counsel for the Oklahoma Bar Association, PO Box 53036, Oklahoma City, OK 73152.

(s) Craig Tweedy

IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA

State of Oklahoma ex rel. Oklahoma
Bar Association, Filed July 14, 2000
Complainant,

v. No. SCBD 3878
(cons. w/SCBD 4243)

Craig R. Tweedy,
Respondent.

ORDER

Respondent's motion for oral argument and petition for rehearing are denied.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS THIS 13TH DAY OF JUNE, 2000.

(S) Hardy Summers
Chief Justice

SUMMERS, C.J., HARGRAVE, V.C.J., HODGES, LAVENDER, OPALA, KAUGER, BOUDREAU, AND WINCHESTER, JJ., CONCUR

WATT, J., NOT PARTICIPATING.

IN THE SUPREME COURT OF
THE STATE OF OKLAHOMA

State of Oklahoma ex rel. Oklahoma
Bar Association, Filed July 14, 2000

Complainant,

V. No. SCBD 3878
(cons. w/SCBD 4243)

Craig R. Tweedy,

Respondent.

ORDER

On respondent's motion, the effectiveness of this Court's opinion filed, herein, on May 9, 2000, is suspended until expiration of time to file a petition for writ of certiorari in the United States Supreme Court or until final disposition of the certiorari petition is made by the,United States Supreme Court. During the time the opinion herein stands suspended in its effectiveness, Respondent may continue to practice law.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 13th DAY OF JULY, 2000.

(s) Hardy Summers
CHIEF JUSTICE

Summers, C.J., Hargrave, V.C.J., Hodges, Lavender, Opala, Kauger, JJ., concur.
Winchester, J., dissents.
Waft, Boudreau, JJ., not participating.

The Oklahoma Rules Governing Disciplinary Procedure 7.7(b) provides:

> When a lawyer has been adjudged guilty of misconduct in a disciplinary proceeding, except contempt proceedings, by the highest court of another State or by a Federal Court, the General Counsel of the Oklahoma Bar Association may cause to be transmitted to the Chief Justice a certified copy of such adjudication and the Chief Justice shall direct the lawyer to appear before the Supreme Court at a time certain, not less than ten (10) days after mailing of notice, and show cause, if any he/she has, why he/she should not be disciplined. The documents shall constitute the charge and shall be prima facie evidence the lawyer committed the acts therein described. The lawyer may submit a certified copy of the transcript of the evidence taken in the trial tribunal of the other jurisdiction to support his/her claim that the finding therein was not supported by the evidence or that it does not furnish sufficient grounds for discipline in Oklahoma. The lawyer may also submit, in the interest of explaining his/her conduct or by way of mitigating the discipline which may be imposed upon him/her, a brief and/or any evidence tending to mitigate the severity of discipline. The General Counsel may respond by submission of a brief and/or any evidence supporting a recommendation of discipline. [Emphasis added]

Title 5, Oklahoma Statutes, Section 2, the Oklahoma Oath, provides that:

Upon being permitted to practice law as attorneys and counselors at law, they shall, in open court, take the following oath: You do solemnly swear that you will support, protect and defend the constitution of the United States; and the constitution of the State of Oklahoma; that you will do no falsehood or consent that any be done in court, and if you know of any you will give knowledge thereof to the judges of the court, or some one of them, that it may be reformed; you will not wittingly, willingly or knowingly promote, due or procure to be sued, any false or unlawful suit, or give aid or consent to the same; you will delay no man for lucre or malice, but will act in the office of attorney in the court according to your best learning and discretion, with all good fidelity as well to the court as to your client, so help you God. [Emphasis added]